

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
ELKINS**

CHRISTOPHER WAYNE WILLIAMS,

Petitioner,

v.

**CIVIL ACTION NO. 2:14-CV-37
CRIM. Action No. 2:13-CR-10
(BAILEY)**

UNITED STATES OF AMERICA,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation of United States Magistrate Judge John S. Kaull. Pursuant to this Court's Local Rules, this action was referred to Magistrate Judge Kaull for submission of a proposed report and a recommendation ("R&R"). Magistrate Judge Kaull filed his R&R on December 12, 2014 [Doc. 60], recommending that grounds One, Two, Three B, Three C, Three D, Three E, and Four of Williams' petition be dismissed without a hearing. [*Id.* at 2].¹

Pursuant to 28 U.S.C. § 636(b)(1)(c), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is timely made. However, the Court is not required to review, under a *de novo* or any other

¹ The Court notes a scrivener's error on the R&R [Doc. 60 at 21] as to the recommendation that ground Three A be dismissed instead of Three E. The substance of the opinion reflects that ground Three E should be dismissed and a hearing held on ground Three A.


standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and the right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge Kaul's R&R were due within fourteen (14) days of receipt, pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure. No objections have been filed. Accordingly, this Court will review the R&R for clear error.

Upon careful review of the above, it is the opinion of this Court that the **Report and Recommendation [Doc. 60]** should be, and is, hereby **ORDERED ADOPTED** for the reasons more fully stated in the magistrate judge's report. Accordingly, this Court **ORDERS** that grounds One, Two, Three B, Three C, Three D, Three E, and Four of the petitioner's § 2255 petition [**Civ. Doc. 1, Crim. Doc. 44**] be **DENIED** and **DISMISSED WITHOUT PREJUDICE**. This Court notes the magistrate judge conducted an evidentiary hearing on ground Three A on February 12, 2015.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to any counsel of record and to mail a copy to the *pro se* petitioner.

DATED: February 13, 2015.


JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE